

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

William G. Stevens,
Plaintiff,

v.

CIVIL ACTION NO.
04-cv-11938 JLT

Robert Howland, et al.,
Defendants.

AFFIDAVIT IN SUPPORT OF THE PLAINTIFF'S
MOTION TO COMPEL DISCOVERY OR
IN THE ALTERNATIVE FOR SANCTIONS

William G. Stevens, deposes and says:

1. I am the plaintiff in the above entitled action. I make this affidavit in support of my Motion to Compel Discovery or in the Alternative for Sanctions.

2. On December 31, 2004 the plaintiff served the following:

A. The Plaintiff's First Set of Interrogatories propounded on:

- a. Robert Howland;
- b. Joseph Murphy;
- c. Robert Murphy; and
- d. Kathleen Dennehy.

B. The Plaintiff's First Request For Production of Documents propounded on:

- a. Robert Howland;
- b. Joseph Murphy;
- c. Robert Murphy; and
- d. Kathleen Dennehy

3. No response of any kind was made to these requests for discovery.

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4. On February 16, 2005, the plaintiff sent Attorney Richard C. McFarland, counsel for the defendants, a "good faith" request to confer pursuant to Local Rule 37.1(A) regarding the outstanding discovery.

5. On March 1, 2005, Attorney McFarland responded to this request by writing that, "Please be advised that your discovery requests are premature where the Court has not yet issued a decision on your Motion to Amend the Complaint." "In addition, the Court has yet to issue a scheduling order regarding discovery in this case."

6. On March 14, 2005, the Court received the plaintiff's request for a scheduling order.

7. On June 28, 2005, the Court entered orders denying both of the Motions the plaintiff had pending.

8. On July 5, 2005, the plaintiff served the following:

A. The Plaintiff's First Set of Interrogatories propounded on:

- a. Robert Howland;
- b. Joseph Murphy;
- c. Robert Murphy; and
- d. Kathleen Dennehy.

B. The Plaintiff's First Request For Production of documents propounded on:

- a. Robert Howland;
- b. Joseph Murphy;
- c. Robert Murphy; and
- d. Kathleen Dennehy.

8. On July 8, 2005, Attorney McFarland responded to this request in exactly the same manner as to the first request,

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that "...your requests are premature..." "...the Court has not yet issued a decision on your Motion..."

9. On July 11, 2005, the plaintiff sent Attorney McFarland a letter informing him that the Court had, in fact, ruled on the Plaintiff's Motions, a copy of the Notice of Electronic Filing was attached. The plaintiff further informed Attorney McFarland that that was the plaintiff's "good faith" request to confer pursuant to Local Rule 37.1(A) regarding the outstanding discovery.

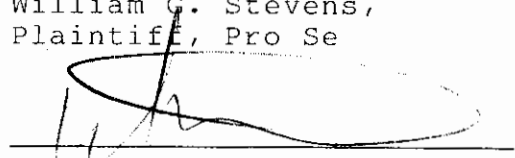
10. No response of any kind was made to this request for discovery.

11. On August 4, 2005, the plaintiff sent a letter to Attorney MCFarland requesting compliance with Local Rule 37.1 and that he respond to the request within seven (7) days. The plaintiff further informed Attorney McFarland that failure to comply would result in a motion to compel and a request for sanctions.

12. On August 11, 2005 Attorney McFarland responded with a duplicate of the first two responses, again denying discovery

13. The plaintiff has attached copies of The Plaintiff's First Set of Interrogatories, The Plaintiff's First Request for the Production of Documents, the plaintiff's letters dated December 30, 2004, February 16, 2005, July 5, 2005, July 11, 2005, and August 4, 2005, Attorney McFarland's responses dated March 1, 2005, July 8, 2005, and August 11, 2005.

William G. Stevens,
Plaintiff, Pro Se




William G. Stevens, Pro Se

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CERTIFICATE OF SERVICE

I, William G. Stevens, state under pains and penalties of perjury that I have served a copy of the foregoing Plaintiff's Motion to Compel Discovery or in the Alternative for Sanctions, and the Plaintiff's Affidavit in Support of the Motion to Compel Discovery or in the Alternative for Sanctions on Richard C. McFarland, Esq., counsel for the defendants, by placing a copy in the Inter-Institutional Mail addressed to Richard C. McFarland, Mass Department of Correction, Legal Division, 70 Franklin St., Suite 600, Boston, MA 02110.

DATED: 8-18-05



William G. Stevens